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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,834	08/21/2003	Aravind Keshav Mistry	15013-US	6147
23553	7590	05/03/2007		
MARKS & CLERK P.O. BOX 957 STATION B OTTAWA, ON K1P 5S7 CANADA			EXAMINER PASCAL, LESLIE C	
			ART UNIT 2613	PAPER NUMBER
			MAIL DATE 05/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.		Applicant(s)	
	10/644,834		MISTRY ET AL.	
	Examiner		Art Unit	
	Leslie Pascal		2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-11 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-6, 9-11 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims say “adding a bridge comprising an additional light path from the transmitting node to the receiving node”. This is unclear. From the specification, it appears that the light path and switch are already in place. It is unclear what is meant by “adding a bridge”. Is this done by software? What is the difference between this and the following step of actually switching to the selected light path? What is the difference between this method and determining to use another path (bridging) and using another path (switching)? This appears to be similar to any type of protection switching as claimed. In regard to claims 11 and 13, the specification does not teach a “bridge and roll **protocol**”. The term “protocol” is not in the specification. It is unclear what the applicant means by a bridge and roll protocol. It is unclear whether the applicant feels that a bridge and roll protocol is well known. If this is the case, what is novel in this application?

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4,6, 9-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falkenstein et al (7016379) in view of Graves (2001/0050709). Falkenstein teaches a bridge and roll method (column 17, lines 51-57; column 20, lines 37-39) for switching light paths (column 13, lines 57-67). In that he teaches that it is "in-service", this would appear to be non-disruptive. In regard to claim 2, it appears obvious that the selected light path (since it was originally used) is in service. With regard to claims 3-4, see column 17, lines 51-57. In regard to claims 6, see column 27, lines 58-59. In that he says that it allows the user to manage connections. In regard to claims 9-10 and 13, see column 36, lines 30-36. In that it can be implemented with a computer by and interface or communications adapter, it would be implemented with a computer and/or software, it would have been obvious to have a network management system to control the system. In that the lightpath routing is modified, it would have been obvious to consider at least one of the commands of the computer to have been a "lightpath routing modification request". Although Falkenstein et al do not teach specifics about his network element used in a mesh network, Graves et al teach that it is well known to use bridge and roll systems in a mesh network (paragraph 106). It would have been obvious to use the method of Falkenstein et al in a mesh network in order to provide rapid setup and restoration in a mesh network.

5. Claims 1, 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warbrick (7146098) in view of Graves (2001/0050709).

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Warbrick teaches a step of bridging and rolling (column 12, lines 55-64). Although he does not specify that his method be done "in-service", protection switching is usually done in service in order to avoid disruption of service. It would have been obvious to have done the protection switching in service in order to avoid interruptions to service. In regard to claim 5, see column 13, lines 5-9. Although Warbrick et al do not teach specifics about his network element used in a mesh network, Graves et al teach that it is well known to use bridge and roll systems in a mesh network (paragraph 106). It would have been obvious to use the method of Warbrick et al in a mesh network in order to provide rapid setup and restoration in a mesh network.

6. In regard to the applicant's arguments with respect to the claims. The claims, as written, appear to read on most protection switching. The examiner has used references which use the term "bridge and roll" although even these references seem to indicate that it is a protection scheme in many cases.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gruber and Mishra et al teach bridge and roll methods similar to the applicants'.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Pascal whose telephone number is 571-272-3032. The examiner can normally be reached on Monday- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 571-272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Leslie Pascal
Primary Examiner
Art Unit 2613